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NORTH OGDEN CITY COUNCIL MINUTES

May 14, 2013

The North Ogden City Council convened in an open meeting on May 14, 2013 at 6:30 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on May 9, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on January 30, 2013.

PRESENT:

| | |
|-------------------|------------------------------------|
| Richard G. Harris | Mayor |
| Kent Bailey | Council Member |
| Wade Bigler | Council Member (arrived at 6:35pm) |
| Justin Fawson | Council Member |
| Cheryl Stoker | Council Member |
| Brent Taylor | Council Member |

STAFF PRESENT:

| | |
|--------------------|-----------------------------|
| Ronald F. Chandler | City Manager |
| Annette Spendlove | HR Director/City Recorder |
| Bryan Steele | Finance Director |
| John Call | City Attorney |
| Mel Blanchard | Public Works Director |
| Tiffany Stahelie | Community Services Director |
| Gary Kerr | Building Official |
| Kevin Warren | Chief of Police |

VISITORS:

| | |
|------------------|--------------------|
| Scott Felter | Dave Nordquist |
| Elizabeth Scott | Kenneth Kolb |
| Shelbee Johnson | Shaylee Johnson |
| Savannah Rice | Shae Thompson |
| Kimberly Popham | Ashtyn Nebeker |
| Stormie Elmer | Baylie Fullmer |
| Marilyn Harris | Melissa Brown |
| John Daines | Amanda Rhoades |
| Jenica Harris | Jackson Harris |
| Braedin Butler | Lexi Olsen |
| Trent Simmons | Ali Nordhill |
| Erin Carver | Analise Olpin |
| Melissa L. Brown | James Barnes |
| Sue Bybee | Bruce Bybee |
| Tiffany Turner | Carl Turner |
| Rachel Trotter | Brian Russell |
| Dan Parkin | George Nichols |
| Gwynne Nichols | Brent Chugg |
| Phillip Swanson | Karmen Sanone |
| Shawn Thompson | Tiffany Thompson |
| Marc Lee | Lisa Christensen |
| Ken Young | Gyle Hollingsworth |
| Kaylane Geitsch | Scott Holt |

52
53 Mayor Harris welcomed those in attendance.

54
55 Council Member Taylor offered the invocation and led the audience in the Pledge of Allegiance.

56
57
58 **CONSENT AGENDA**

- 59
60 **1. Consideration to approve the minutes of the April 16, 2013 City Council meeting.**
61 **2. Consideration to approve the minutes of the April 23, 2013 City Council meeting.**

62
63 Council Member Fawson noted the minutes of the April 16, 2013 minutes need to be amended to
64 reflect his correct status at the meeting. City Recorder Spendlove stated she would make that
65 change.

66
67 **Council Member Taylor moved to approve the consent agenda. Council Member Stoker**
68 **seconded the motion.**

69
70 **Voting on the motion:**

71
72 **Council Member Bailey aye**
73 **Council Member Fawson aye**
74 **Council Member Bigler aye**
75 **Council Member Stoker aye**
76 **Council Member Taylor aye**

77
78 **The motion passed unanimously.**

79
80 Mayor Harris then noted he has been asked to postpone item ten, the Cherry Days discussion, until a later
81 date and he asked if there is any objection among the Council to tabling the item. No Council Members
82 expressed an objection. Mayor Harris then noted that he would like to amend the order of the agenda by
83 moving item nine ahead of item four on the agenda and he asked if there is any objection among the
84 Council to making the change. No Council Members expressed an objection.

85
86 **ACTIVE AGENDA**

87
88 **1. PUBLIC COMMENTS:**

89
90 Carl Turner, 2673 North 950 East, stated that he has not been able to attend a Council meeting for some
91 time and he is happy to be here this evening. He stated he is present to represent the North Ogden Parks,
92 Trails, and Open Lands. He provided each member of the Council with a handout and stated they are
93 maps of all the paths and trails in the northern Weber County area that have been provided by Weber
94 Pathways. He noted the group will be manning a booth at the upcoming Cherry Days event and the City
95 has agreed to waive the cost for that booth, which he appreciates. He stated the group has \$800 in their
96 bank account via private donations, etc. He added he has received compliments regarding the recent work
97 that has taken place at Lakeview Park and Barker Park; the work at Barker Park was done in large part by
98 an Eagle Scout. He noted the group has applied for three different grants for benches to be located in
99 different parks throughout the City. He noted benches cost approximately \$650 each and the grant
100 amounts are \$2,000 each. He added he would like to hear from the Council some ideas about other grants
101 the group could apply for; those ideas could be funneled through Council Member Stoker since she

102 participates on the Committee. He noted Pleasant View recently received a grant for \$250,000 to upgrade
103 trails in their system; some grants are matching grants and some matches can be in the form of in-kind
104 donations or service hours. He stated the committee needs to know what the City would be willing to
105 provide if the committee decides to apply for a grant or if one is received. He stated some grants are
106 reimbursing grants, meaning the City must pay all costs up front and be reimbursed when the grant
107 project is completed. He stated the committee is interested in what the Council would like to see in
108 various parks and trails throughout the City. He referenced the dirt path that runs throughout the City and
109 McGriff Park and noted grant funding could be used to fully asphalt that trail. He stated the committee is
110 very busy and has a lot of work ahead of them this summer working on some great ideas. He stated he
111 wanted to thank the Council for the help and support they have provided.

112
113 Council Member Bigler asked about reimbursing grants; is the City notified they have received the grant
114 before spending money. Mr. Turner stated his understanding is that the City would be notified of the
115 grant award prior to any money being spent. He stated a similar grant was used for the Bonneville
116 Shoreline trail. He noted if all trails in the City were to be completed, the City would have approximately
117 12 miles in trails, which would be very nice for events like the local marathon.

118
119 Mayor Harris thanked Mr. Turner for his comments and recognized him as a former Council Member.

120
121 Dave Nordquist, 1610 North 475 East, stated he wanted to address the Council and thank them for two
122 things: one is the insight to review the existing maintenance program of the City's parks, which is long
123 overdue. He stated that in all the years he spent in the City he had people ask him how much money was
124 being spent on mowing and maintenance of the parks and his answer was that he did not know. He stated
125 that answer is now known. He stated City Manager Chandler is fantastic with numbers and he thanked
126 him for having the insight to create the reports regarding this issue. He stated the second thing he wanted
127 to talk about is that the Council, for the last several years, has provided the resources and needed
128 improvements for City parks; this comes through Council votes and approval of grants as well as
129 allowing City workers to do their job. He referenced some projects that have been completed over the
130 past four years, including Wadman Park, North Ogden Park renovation, new scoreboards and fencing
131 throughout the parks, and the new Community Services building – which was paid for in cash. He stated
132 all of those projects were viable because of the support of the Council. He stated he is present tonight to
133 ask the Council to take great care in their decision to privatize the maintenance of City parks; he strongly
134 and personally feels this is a huge mistake. He stated City crews work to complete all mowing, trimming,
135 and cleaning in three and a half days when the same work previously took five days to complete. He
136 noted the study shows the savings will be minimal if the work is privatized, especially considering the
137 vendor is located nearly three counties away from North Ogden. He stated this is a disaster waiting to
138 happen; the parks are the City's crown jewels and the City cannot afford to gamble them. He stated the
139 parks are beautiful and are used extensively by the residents and they are one of the main reasons he built
140 his home in the City. He stated the City is already using private vendors for the park fertilization
141 program, special treatments of the grass at the aquatic center, and many other programs throughout the
142 City. He noted there are some things private vendors can do better than the City, but regular maintenance
143 of the parks is not one of them. He stated he has seen this type of program fail more often than it has
144 been successful and the best example of that was in Ogden City; the program completely failed after three
145 years and the city was forced to re-purchase equipment to maintain city properties and it took years to get
146 the properties back into good shape again. He stated he is in favor of two options tonight: one would be
147 to let attrition take place in the parks crew. He stated in his six years as Parks and Recreation Director he
148 always believed that was the best way to handle this problem; employees that leave their employment
149 with the City can be replaced with seasonal employees. He stated the other option would be to buyout the
150 higher paid employees and replace them with less expensive part-time workers who receive limited
151 benefits. He stated that in time it will be possible to recover the cost of the buyout. He stated at this time
152 there is no logical reason for the City to be using private vendors to maintain parks; the City workers can

153 do the work as good or better at a fair market price. He stated he would ask the Council to consider his
154 recommendations as they move forward and he noted he believes the City has one of the hardest working,
155 most fantastic parks and recreation crews the City has ever had; they have proven they can get the job
156 done and do it at a fair market value. He stated the City cannot gamble the crown jewels of the City when
157 they look the way they do right now. He stated if they are gambled, the City could possibly lose them.
158

159 **2. YOUTH COUNCIL REPORT.**

160
161 Mayor Harris stated he appreciates the Youth Council's presence this evening; they are nearing the end of
162 their Fiscal Year (FY) because this is the time of year when school ends. He stated the Youth Council
163 would like to provide a brief report and he turned the time over to Youth Mayor Shae Thompson. Ms.
164 Thompson reported the Youth Council participates in at least one service project each month and
165 everyone is always very willing to help out and volunteer to help the City. She stated she would review
166 the biggest projects throughout the year. She stated the first and biggest project is Cherry Days and the
167 Youth Council helps the Kiwanis club by selling tickets to the breakfast and on July 4 the Council helps
168 serve food at the breakfast as well as clean-up after the event. She stated the Council also helps with the
169 parade and then runs the Pepsi wagons and the bounce house at the carnival. She stated it is very fun and
170 it is the first event that the Council has the opportunity to bond while working together. Ms. Thompson
171 then reported that in August the Youth Council helped with the kids corner at the Arts Festival and that
172 was a great event. She added in November the Youth Council carries out the Turkey Drop event and this
173 is the most meaningful event to her; it is when the Council finds families throughout the City that are in
174 need and they buy them a whole turkey dinner and delivers it to their home anonymously. She stated this
175 event helps her realize how blessed she is and she is sure the other members of the Council realize that as
176 well. She stated she also likes the Santa House event; the Council works as elves and they have a lot of
177 fun. She stated in January the Youth Council attended an event called Day at the Legislature; the Council
178 visits the Utah Legislature and tours the capital building before holding a mock legislative session. She
179 stated this is an event that allows the Council to learn about how government functions and about
180 leadership. She stated in March the Youth Council attended a conference at Utah State University and
181 there were approximately 30 Youth Councils from throughout the state. She stated the attendees learn a
182 lot about leadership and have the opportunity to attend various seminars and workshops as well as a
183 breakout session that over 200 kids attended. She stated the North Ogden Youth Council taught manners
184 during the breakout session and it was a great event. She stated the Council also participated in the Youth
185 Council challenge at the event; it is similar to a scavenger hunt and the Council took ninth place out of the
186 30 Youth Councils that attended. She then concluded by stating she would like to thank the City Council
187 on behalf of the Youth Council for the opportunity to learn about leadership and government; she thinks
188 the members of the Youth Council will continue to be active in the community throughout their lifetime.
189

190 Mayor Harris thanked Ms. Thompson for her report and stated he would like to recognize the other
191 members of the Youth Council that are present this evening as well as their advisors. He stated that
192 because the Youth Council has been so successful and many Youth Council members are interested in
193 coming back to participate as advisors. He stated this is one of the reasons the Youth Council is so
194 successful. He recognized advisors Marilyn Harris, Melissa Brown, James Barnes, Analise Olpin, and
195 Kelsey Spalding. He asked them to stand and be recognized by those in attendance.
196

197 **3. DISCUSSION AND/OR ACTION TO RENEGOTIATE THE NICHOLS AGREEMENT.**

198
199 George Nichols, 2255 North 575 East, approached the Council and explained this evening's discussion
200 will be focused on a different property located at 2821 North 1050 East. He stated he appeared before the
201 Council in January 2013 relative to an issue with the eaves on the garage at the property; when the garage
202 was constructed 33 years ago the contractor built it in a manner that allowed the eaves to overhang the
203 property line. He stated in January he talked to the Council about a memorandum of agreement that

204 referenced cutting back the eaves and installing a rain gutter on the garage. He reported he has cut the
205 eaves back and he reviewed photos of the garage as it exists today. He noted he has not installed rain
206 gutters yet for a couple of reasons; the first is that he has learned that for an outbuilding there is no
207 requirement for rain gutters. He stated he knows there is a City ordinance that prohibits the eaves from
208 overhanging the property line; he reviewed a photograph of the garage and stated the property line is
209 defined by the center line of the fence and he believes that he has met the City's requirement. He stated
210 the other reason he wanted to meet with the Council again and the reason that he chose not to install rain
211 gutter is that there is not much eave left on the garage and in order to cut back another four to five inches,
212 the walls would be up against the walls of the garage. He stated that would look odd and would not be
213 aesthetically pleasing. He stated he is proposing that the Council amend the memorandum of agreement
214 to delete the rain gutter language. He stated he believes the way the garage exists today is in line with
215 North Ogden City ordinances.

216
217 Council Member Bigler asked if the water dripping off the garage will fall onto Mr. Nichols' property
218 even though there is no rain gutter. Mr. Nichols answered yes. Council Member Bigler stated he sees no
219 reason the Council should not accept Mr. Nichols' suggestion. City Manager Chandler stated that is the
220 Council's decision.

221
222 Council Member Bailey asked if there are any other issues, zoning or otherwise, that exist. Mr. Chandler
223 answered no and stated he believes the memorandum of agreement and the work that has been done by
224 Mr. Nichols addresses all of the former issues. Mr. Nichols added that Mr. Chandler told him that he
225 would need to appear before the City Council to get final approval of the agreement. Mayor Harris stated
226 that is correct and noted the Council is the body that has the authority to amend the agreement.

227
228 Council Member Taylor stated that he thinks Mr. Nichols' request is reasonable. He stated most water
229 will drain off the front of the garage rather than the sides. Mr. Nichols stated the eaves are actually on the
230 sides of the garage, but all water drips onto his property.

231
232 Council Member Bailey asked if there is a provision that prohibits the water generated on one person's
233 property from running onto their neighbor's property. Mr. Nichols stated that his property is situated in
234 such a manner that it is higher than his neighbors; water has been running downhill for thousands of
235 years.

236
237 Building Official Kerr stated that when this type of situation occurs the City asks a property owner to
238 install rain gutters to prevent their water from running onto their neighbor's property. He stated,
239 however, that this is a civil matter; the City does not regulate Mr. Nichols' water and the fact that it may
240 be running onto the neighbor's property. He noted Mr. Nichols has a retaining wall on his property and
241 the water actually runs on his property until it reaches the end and he does not see a problem with the
242 water coming off the roof. Mr. Nichols stated the only change to the memorandum of agreement is the
243 removal of the rain gutter requirements and he reviewed the exact language in the agreement.

244
245 A short Council discussion centered on an appropriate motion for the Council to make regarding this
246 issue with Council Member Fawson noting he is not comfortable approving a new memorandum of
247 agreement when he is not clear about the changes that have been made. He stated he would prefer to
248 amend the old agreement and remove the language regarding the requirement for rain gutters. Mr.
249 Nichols stated he suggested the new agreement, but he is comfortable with any action the Council takes to
250 address the issue.

251
252 Mayor Harris stated the Council could take an action on the new agreement at the next meeting, which is
253 scheduled for May 28. Council Member Taylor asked if the Council can instruct staff to make the

254 appropriate changes to the agreement and execute it accordingly. Mayor Harris stated that he feels the
255 Council should have the formal agreement in front of them to consider. City Attorney Call agreed.

256
257 Mr. Nichols stated his only concern is relative to the expiration date of the current agreement, which is
258 July 1. He stated he would like for the Council to take formal action on the matter before that date.
259 Mayor Harris stated that is possible.

260
261 Council Member Fawson thanked Mr. Nichols for his compliance and for attending tonight's meeting.
262 He stated he would be more comfortable handling this issue appropriately rather than rushing it.

263
264 **Council Member Taylor moved to instruct staff to draft a new agreement as requested by Mr.**
265 **Nichols removing the requirement for a rain gutter on his garage and ask that the agreement be**
266 **presented to the Council for consideration at the next regularly scheduled meeting. Council**
267 **Member Bigler seconded the motion.**

268
269 Council Member Fawson stated he does not object to drafting a new agreement; he simply wants to
270 understand the changes that will make the new agreement different from the old agreement. Mr. Nichols
271 stated he would be happy to provide the City with a copy of the agreement with his requested changes.
272 Mayor Harris stated the City will take care of that.

273
274 **Voting on the motion:**

275
276 **Council Member Bailey aye**
277 **Council Member Fawson aye**
278 **Council Member Bigler aye**
279 **Council Member Stoker aye**
280 **Council Member Taylor aye**

281
282 **The motion passed unanimously.**

283
284
285 **9. DISCUSSION AND/OR ACTION TO CONSIDER THE 2013 INTERLOCAL**
286 **AGREEMENT BETWEEN WEBER COUNTY CITITES AND WEBER COUNTY FOR**
287 **UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) GENERAL**
288 **PERMIT.**

289
290 Mayor Harris stated he would ask Mr. Chandler to introduce this item and then he would like for the
291 Council to hear from Uintah Mayor Sue Bybee, who is the Chairman of the Weber County Stormwater
292 Coalition. He noted she can answer any technical questions the Council may have regarding this issue.

293
294 Mr. Chandler stated the Federal Government, through the adoption of the Clean Water Act and
295 subsequent amendments, requires the regulation of storm water by communities such as North Ogden; the
296 issue is regulated by the State of Utah and they have the power to issue permits once a community shows
297 how they plan to regulate storm water. He noted the regulation includes adoption of an ordinance that
298 prevents the pollution of natural streams and waterways and coordinated education efforts. He explained
299 the State of Utah allows multiple jurisdictions to work together to apply for and receive a joint use permit
300 to combine efforts and provide for regulation of storm water; the City has been working in that type of
301 system for several years with the Coalition and the agreement being presented to the Council this evening
302 extends the ability for the various entities to continue to work together. He stated the agreement provides
303 for things such as education, training, and the promotion of model storm drain ordinances and the cost to
304 the City according to the agreement is \$3,378 per year until July 31, 2018. He stated the City must

305 regulate storm water regardless of this type of agreement and the agreement is a benefit because it
306 provides the City the opportunity to work with other entities and take advantage of economies of scale to
307 save money. He added all of the entities participating in the agreement are interconnected via the storm
308 water system and it makes sense for the communities to work together.

309
310 Council Member Bailey asked what the \$3,378 per year is spent on. Ms. Bybee stated the fee paid by
311 each party to the agreement is based on the entity's population at a rate of \$.19 per person. She noted the
312 money is spent on training efforts, organization of a water fair, printing and distribution of pamphlets, etc.

313
314 Council Member Bailey asked if the agreement is renewed on an annual basis. Mayor Harris stated it is a
315 three year agreement. Ms. Bybee agreed and added that every five years each entity is required to renew
316 its MS4 permit; this agreement will be in effect until the end of the current five year period at which time
317 a five year contract will be created to coincide with the next MS4 permit time period.

318
319 Council Member Bigler asked if the City has been paying money for this purpose in the past and if the
320 program is now being handled differently. Ms. Bybee explained the City was supposed to be paying a set
321 amount to Weber County to cover various services, but Weber County "dropped the ball" and the
322 Coalition is regrouping and addressing the things that need to be addressed to allow each entity to provide
323 a satisfactory to the State of Utah. Mayor Harris added that the City has representation on the Coalition.
324 Council Member Bigler stated his question is whether the \$3,378 is new money. Mayor Harris stated that
325 the City did not pay much in the past because Weber County had agreed to cover the costs, but they have
326 now said they will not do that any longer. Ms. Bybee stated that is correct and in order to provide
327 resources for storm water regulation the Coalition is working together; if the City does not participate
328 with the Coalition it will be necessary to handle all regulations alone. She noted the County only paid for
329 television advertisements and they did not pay for training and other education resources that are required
330 by the State of Utah. Council Member Bigler asked if there are legal issues associated with this
331 agreement and if there are other things involved in the \$3,378 that the City will be paying. He asked how
332 the City and the residents will benefit from the agreement and if everything included in the agreement is
333 required. Ms. Bybee stated all things in the agreement are required; there are a number of things the City
334 is required by law to do and the agreement covers those that different entities can cooperate on to
335 complete. She noted if the City had storm water issues on a singular property, that would be the
336 responsibility of the City alone, but there are many things that the members of the Coalition can cooperate
337 on to meet in order to meet the requirements of the annual report. She stated if the City does not
338 participate with the Coalition, it will be necessary for the City to absorb all costs to meet the requirements
339 of the permit. Mayor Harris stated the cost for North Ogden City to renew the permit on its own would
340 far exceed the amount included in the agreement. Ms. Bybee stated that is correct and one of the best
341 things provided by the agreement is the use of a software that assists in conducting required monthly
342 inspections.

343
344 Council Member Taylor stated he thinks cooperation between various cities is a great idea and a way to
345 save all tax payers the money that would be spent in doing these kinds of things alone. He stated more of
346 this kind of cooperation in the future would be even better.

347
348 Mayor Harris addressed Council Member Bigler and stated that a good share of the money being spent by
349 the City will assist in promotion of the annual water fair to provide required educational opportunities for
350 the cities located in Weber County.

351
352 **Council Member Fawson moved to approve agreement A-5-2013. Council Member Stoker**
353 **seconded the motion.**

354

355 Mayor Harris noted the City will assign a representative to participate with the Coalition. Ms. Bybee
356 stated each City is being asked to appoint a voting member and an alternate member to the Coalition.
357 Council Member Bailey asked if that would be a member of the Council or a staff member. Mayor Harris
358 stated it will likely be a staff member as this is a technical committee. Ms. Bybee noted most cities have
359 appointed people that work directly with the City's storm water system.

360
361 **Voting on the motion:**

362
363 **Council Member Bailey** aye
364 **Council Member Fawson** aye
365 **Council Member Bigler** aye
366 **Council Member Stoker** aye
367 **Council Member Taylor** aye
368

369 **The motion passed unanimously.**
370
371

372 **4. DISCUSSION AND/OR ACTION TO APPROVE CONTRACTS FOR:**
373 **A) LANDSCAPING AND PARK MAINTENANCE B) SNOW REMOVAL.**
374

375 A memo from City Manager Chandler explained the City received five bids for park maintenance and two
376 bids for snow removal. City Administration recommends contracting with Hallmark Landscaping at a
377 cost of \$3,650 per week for lawn care and Parks Management at a cost of \$1,200.00 per push for snow
378 removal and \$500.00 per application of salt and ice melt.
379

380 Mr. Chandler reported this is the culmination of several months of work and exploration; staff has
381 assembled numbers in order to be able to adequately compare the City's cost to provide services with bids
382 that have been submitted for the work. He stated that before the Council tonight for consideration are two
383 contracts; the first is with Hallmark Landscaping for the lawn mowing and grounds maintenance for all
384 City parks and green areas totaling just over 65 acres of property. He stated John Hall, the owner of
385 Hallmark Landscaping, is present this evening to answer any questions the Council may have. He
386 reported the contract is a three year contract and the cost is \$3,650 per week and some of the highlights of
387 the agreement include mowing and trimming of all parks, City offices, the senior center, community
388 service building, and aquatic center on a weekly basis; mowing along trail sides on a monthly basis;
389 planting and weeding of shrubs and flowers throughout flower beds in the City; application of fertilizer
390 and pesticides twice per year; pruning of trees once per year; pruning of shrubs three times per year; and
391 removal of trash at City parks. He noted the City will continue to maintain the irrigation systems unless a
392 system is damaged by the contractor; any damage caused by them will be repaired or replaced at their
393 cost. He then referenced the contract for snow removal services and stated staff recommends the contract
394 be awarded to Parks Management; they have provided the City a cost per push or call out of \$1,200 and
395 \$500 per application of salt and ice melt. He stated this includes all sidewalks and parking lots owned
396 and operated by the City, with the exception that the entire aquatic center parking lot will not be plowed
397 because only half to a third of the parking lot is actually needed during the winter months for the adjacent
398 school. He stated it is important to recognize that Parks Management will be notified by the Community
399 Service or Police Department employees depending on what time the snow needs to be plowed; if the
400 Police Department calls the street crews to have them plow the streets, they will also notify Parks
401 Management that it is necessary to plow the parking lots. He stated that if the contractor is notified
402 between 5:00 a.m. and 5:00 p.m. they will respond within 30 minutes and begin plowing; if they are
403 notified between 5:00 p.m. and 5:00 a.m. they will begin at 5:00 a.m. the next morning. He added that the
404 contract also includes a priority order for snow plowing and the first building that will be taken care of is

405 the City offices followed by the senior citizens building, recreation building, community services
406 building, and then all sidewalks and other buildings listed in the scope of work.

407
408 Council Member Bigler stated Mr. Chandler noted that if the contractor is notified of the need to remove
409 snow after 5:00 p.m. they will begin work at 5:00 a.m. the following morning. He asked if that is how
410 City snow removal crews currently operate. Mr. Chandler stated that is how the City crews currently
411 operate; if snow begins falling after normal work hours the crews will report to work the following
412 morning at 5:00 a.m. to begin snow removal. He then stated the agreement with Parks Management is
413 also a three year agreement. He stated that when comparing costs they did so based upon a 30 week
414 period during which mowing took place and 22 times that City crews were called out for snow plowing.
415 He stated that he wanted to make sure there was some padding in the budget to cover costs in the event of
416 a long season or excessive snow causing the contractor to be called out more than normal to remove
417 snow. He stated the budgeted expenses are based on a 36 week mowing period and 22 snow removal
418 call-outs. He stated those numbers could fluctuate, but he is pretty comfortable that the budgeted
419 expenses will not be exceeded.

420
421 Council Member Taylor stated that Mr. Nordquist mentioned during public comments that the City crews
422 can complete mowing in 3.5 days and that would mean that the employees doing that work can perform
423 other duties on the 1.5 days that they are not mowing. Mr. Chandler stated that is correct; they work on
424 other projects when they are not mowing park properties. Council Member Taylor asked if the same is
425 true for employees that remove snow during the winter. He asked if they are working on other public
426 works projects when not plowing snow. Mr. Chandler answered yes and stated that when he heard from
427 Mr. Nordquist prior to tonight's meeting he ran some numbers that show that if the services are retained
428 in-house by eliminating two full-time position and replacing them with part-time employees, it would be
429 necessary to hire six part-time employees for 29 hours per week for 30 weeks per year. He stated two
430 part-time employees would be hired to work 29 hours per week for 52 weeks; the reason those two
431 employees would be employed for the entire year is to perform snow removal. He noted the employees
432 would be paid \$9.00 per hour. He stated the savings with this plan would be roughly the same, so the
433 question is whether the City would hire those employees or the contractor. He stated that in the end, what
434 he has looked at in comparing prices are two important questions: one is regarding control and any time a
435 City employee is performing the work it is much easier to control what that employee is doing and some
436 of that control would be given up if a contractor is doing the work. He stated an employee in the City
437 would be assigned to monitor the contractor and his work to ensure it is up to the quality the City expects.
438 He stated the second question he asks is relative to other duties and projects such as those referenced by
439 Council Member Taylor. He stated one of the other duties that consumes a large amount of time is
440 hanging Christmas lights and this is done by employees when they are not working on snow removal. He
441 stated there are other projects, such as equipment maintenance, that are completed during the winter
442 months as well. He stated he did leave funding in the budget for one-third of the cost of hiring part-time
443 employees to handle those projects. He stated this will be a little bit of an experiment on the City's part
444 because he does not know how easy it will be to find short-term, temporary employees.

445
446 Council Member Bailey stated that Mr. Chandler mentioned the savings associated with contracting
447 compared to the savings with using part-time employees were the same and he cannot see that
448 information detailed in the Council packet. Mr. Chandler stated that the cost for the City to provide the
449 services currently is \$211,405 and that amount of funding would be eliminated by contracting for the
450 services. He stated the cost of the two contracts is \$146,900, so the overall savings would be \$64,505.
451 He stated that if the City were to instead keep the services in-house and hire part-time employees to
452 perform the work the savings would be approximately the same. Mr. Chandler then used a white-board to
453 compare his figures with the figures provided by Mr. Nordquist based on his proposal. He stated Mr.
454 Nordquist's proposal would result in a savings of \$68,894. Council Member Taylor stated there are some
455 things that are not represented in those numbers; the employees are doing more work than mowing parks

456 or removing snow. He stated it would cost more to replace everything the employees are doing or there
457 are things that will simply no longer get done. Mr. Chandler stated that is what he referenced earlier
458 when he talked about the two questions to consider when determining if it is appropriate to enter into a
459 contract for parks mowing and snow removal.

460
461 Council Member Bigler noted Mr. Nordquist's recommendation is not to keep full-time employees, but it
462 is to replace them with part-time employees and the Council has been told that the City does not need the
463 current number of full-time employees. Mr. Chandler stated Mr. Nordquist's proposal is to layoff current
464 full-time employees and replace them with part-time employees. Council Member Bigler stated there is a
465 human element to consider, but he understands Mr. Chandler is saying that it is not necessary to keep two
466 full-time employees. Mayor Harris stated that the recommendation if the service is kept in-house is to
467 eliminate to full-time positions and replace them with part-time employees. Council Member Bigler then
468 stated that during earlier conversations about his issue there were discussions about depreciation and he
469 inquired as to the figure identified for depreciation costs to provide for the replacement of equipment
470 needed to perform the work. He stated he was told the two contractors would provide for those expenses.
471 Mr. Chandler stated depreciation costs are not included in the second scenario.

472
473 Council Member Taylor stated the motor pool lease of \$63,000 is referenced and he believes that reflects
474 the amount that was spent in 2011. He asked if that includes money to replace equipment. Mr. Chandler
475 answered yes. Council Member Bailey stated there is a considerable drop in the motor pool costs and he
476 asked what is being eliminated. Mr. Chandler provided an overview of the expenses included and not
477 included in the proposal. Council Member Taylor asked if the \$63,000 figure is the full amount of
478 depreciation for this department. He asked what other departments are paying into the motor pool fund.
479 He stated the savings seem to be somewhat overinflated because only 33 percent of depreciation costs are
480 being funded. He stated the parks depreciation funding could be reduced to \$21,000 to match the
481 depreciation being paid by other departments. He stated he does not think that is a great idea, but it is
482 something to consider when determining how to proceed with this proposal.

483
484 Council Member Bigler stated the packet materials referenced funding for three trucks and their
485 maintenance, but there is no funding to cover the cost to replace a large piece of equipment. Council
486 Member Taylor stated that would be a new capital expenditure. He stated that the \$63,000 would replace
487 existing equipment based on the life cycle of the equipment, but if the City needs three new mowers in
488 addition to the five the City currently owns, those would fall into new capital expenditures.

489
490 Council Member Bailey asked for those that served on the evaluation committee for this project to explain
491 why they made the recommendation to proceed with entering into a contract for the parks maintenance
492 and snow removal services. He stated it does not seem to him like the City will actually realize any
493 savings. Mr. Chandler explained the combined bid amounts ranged anywhere from \$146,900 to \$237,400
494 and the committee used the 'choosing by advantages' system to measure and rank the bids. He stated the
495 bid the committee ultimately recommended also turned out to be the low bid. He stated the same scenario
496 was true for snow removal. Council Member Bailey stated he understands that part of the process. Mr.
497 Chandler stated that the cost for the severance packages for affected employees that is required by the
498 City's personnel policy is \$192,000, which provides for two week's salary plus one month of salary for
499 each year the employee was employed with the City. He stated the City would not realize real savings
500 until year four of the contract. He stated the Administration is proposing that this year the City pay the
501 entire amount out of the surplus budget amount that will be available at the end of the current fiscal year,
502 but if that amount is amortized over the length of the contract, the savings are completely eliminated and
503 the actual savings do not begin until year four. He stated that if the severance package was not required,
504 the City would begin realizing savings this year. He stated that does not need to be reflected in the budget
505 because the City is fortunate enough to have a surplus amount in the current fiscal year budget to cover it.
506

507 Council Member Bailey asked if in the process of evaluating the various proposals the staff also used a
508 'choosing by advantages' process to compare the recommended bids with the current cost to the City to
509 provide the services in-house. He asked if the committee evaluated all of the things the City would be
510 giving up by entering into a contract. Mayor Harris stated the committee did not conduct that level of
511 analysis; the committee completed a mathematical comparison by comparing the contract prices with the
512 cost of performing the services in house. He stated the committee chose the best contractors out of the
513 several that submitted proposals and used their figures to provide the information Mr. Chandler has
514 reviewed tonight. He stated that Mr. Chandler has reported it is difficult to make much more of a
515 comparison because of the control factor and the factor of having employees available to do any work
516 needed when it needs to be done. Mr. Chandler agreed and stated he wanted to point out that when
517 looking at the option of hiring part-time employees to complete the work, it would also take three years to
518 realize savings because it would still be necessary to execute the severance package for the two full-time
519 employees.

520
521 Council Member Bigler added that the committee was put together to review the bids and the proposed
522 contracts, but they did not leave the meetings recommending the option that is being presented tonight.
523 He stated that all the committee did was work through the bids from the various companies and ranked
524 them by using the 'choosing by advantage' system with five points determined by Mr. Chandler, Mayor
525 Harris, and Ms. Stahelie. He stated the Council Members that participated in the process simply helped
526 with the ranking, which resulted in the selection of the two companies that are present this evening. He
527 stated at that point the Council Members left the meeting with the understanding that Administration
528 would then weigh all other options and let the Council consider those other options and factors. He stated
529 he is open to looking at different things, but he did not know how this process would turn out. He then
530 stated that he had a couple of questions for the committee; he agreed with a concern expressed by Mr.
531 Nordquist this evening and he expressed that same concern during the committee meetings. He stated
532 that he is not sure how a company located so far away from North Ogden would be able to employ
533 people in this area and oversee the work to ensure it is the same quality the City is getting now. Mr.
534 Chandler stated that he contacted the company and their references to discuss that issue and Mr. Hall
535 assured the distance would not be an issue. He stated the other cities that Mr. Hall does work for gave
536 him very high recommendations. Council Member Bigler stated all cities that were used as references are
537 located very close to where the company is located. He asked if Mr. Hall provided additional references.
538 Mr. Chandler answered no and stated he only contacted the references originally provided and when he
539 met with Mr. Hall to discuss the distance Mr. Hall assured him it would not be an issue and he has other
540 clients that are in a similar situation. He stated that he also noted he would consider hiring the two
541 employees that the City would be dismissing in favor of executing the contract.

542
543 Mr. Hall stated he appreciates the comments that have been made this evening and he appreciates where
544 the City employees are coming from as well. He stated that he mentioned to Mr. Chandler that he lives in
545 Salt Lake and sometimes it can take him 45 minutes to get across the valley to complete jobs in that same
546 area. He stated that he timed his drive tonight, driving in rush hour, and it took him just over an hour to
547 get to North Ogden. He stated the time is not a big issue, but it is one reason he did not bid for snow
548 removal. He stated maintenance is a scheduled thing and not an emergency; if he knows what days he is
549 scheduled to be in North Ogden to perform parks maintenance, travelling and hour to get to the City is not
550 a problem. He stated he is figuring it will take him 2.5 days to complete the work detailed in the contract
551 and his understanding is that as long as that work gets done each week, there is not a specific schedule.

552
553 Council Member Bigler stated he has studied this issue a lot and he appreciates the information that has
554 been provided by the Administration. He stated he feels all elected officials as well as the City
555 Administration has the duty to the community to take a look at something that may be viable and work for
556 the City and he thinks that has been done, but from what he has seen so far he is not sold on privatizing at
557 this point in time. He stated he has never said the City must privatize, but he thought it would be a good

558 idea to consider it because there are a lot of cities that are doing it successfully. He stated at this point in
559 time he does not see the savings to justify privatizing; there is also a human element and the City has two
560 long-term full-time employees that are doing a great job. He stated that just like in a big corporation, if
561 cutbacks are necessary, it can be heart wrenching to let people go. He stated he does not see the savings
562 in place to justify doing that to those employees at this point. He stated it may be possible to consider the
563 option again in a couple of years, but right now he is leaning towards maintaining the current level of
564 service at this point.

565
566 Council Member Fawson stated this is something he has advocated looking at since he was elected; he
567 has not advocated doing it, but he has advocated looking at the options having worked in the outsource
568 world for 10 years. He stated he knows the advantages and disadvantages of doing something like this.
569 He stated at this point in time he agrees with Council Member Bigler; the benefits the City would get
570 compared to the cost savings associated with an outsource solution does not add up. He stated, however,
571 that he does not agree that the City should necessarily decide against considering using part-time
572 employees rather than full-time employees. He stated he feels there is a significant cost savings,
573 especially after year four and the Council should take a closer look at that.

574
575 Council Member Bailey stated he is having a hard time making the comparisons; he does not think good
576 consideration has been given to the benefits and the costs of outsourcing the service compared to keeping
577 it in-house. He stated fast numbers have been made available, but an insufficient amount of time has been
578 spent determining the true costs and what the City would be giving up by entering into a contract. He
579 stated some potential savings have been identified, but he is having a hard time wrapping his head around
580 the whole analysis. He stated he would love to spend another work session meeting discussing the entire
581 concept so he can try to understand the hard and soft costs and savings. He stated his recommendation
582 would be to table the issue and revisit it again sometime in the near future.

583
584 Council Member Stoker stated she can appreciate what Council Member Bailey has said, but having sat
585 on the committee that reviewed the bids and followed the process of 'choosing by advantage', she
586 understands that some numbers add up while others do not. She stated she understands the concept of
587 outsourcing, but she has never been a huge fan of it because she has talked to other cities that have done
588 similar things and most times it has not been successful. She stated that in her mind the numbers
589 associated with outsourcing never added up to saving the City money. She stated the City has options and
590 keeping the service in-house will provide the City the opportunity to maintain control and that is the most
591 important thing. She stated she does think it would be possible to consider using part-time employees to
592 save some money, but she is not sold on outsourcing.

593
594 Council Member Taylor stated it is good that the City took a look at this option, but he is not surprised by
595 the outcome. He stated the outsourcing option would not truly save the City any money, at least not until
596 year four. He stated there are some variables being presented that are making the savings look higher
597 than they actually are. He added that because of the loss of two employees that currently work on other
598 tasks when not performing parks maintenance or snow removal, the loss is even greater. He stated he
599 agrees with Council Member Bigler that it is the Council's responsibility to look at ways to do things
600 different and that has been done. He stated he completed some analysis of the numbers and the average
601 bid for the parks maintenance services was \$161,000 while the average bid for snow removal was
602 \$56,000. He stated with those two added together, the average private sector bid was \$216,000 and the
603 work is being done by the City for \$211,405, but the two employees working on those projects are able to
604 perform other projects on the days they are not working on parks maintenance or snow removal. He
605 stated he thinks this means the Council should express kudos to Mayor Harris, Mr. Chandler, and the
606 other Department Heads for running a very tight fiscal ship and it is not possible to find savings by
607 contracting with the private sector because of how well the City is run. He stated his final opinion is that
608 the current situation is working great. He stated he would recommend eliminating the full-time positions

609 through attrition and replace them with part-time positions. He stated he does not think it is necessary to
610 eliminate the positions at this time and fund severance costs.

611
612 Council Member Bigler stated that he agrees with Council Member Taylor regarding the severance
613 package issue, but without the severance costs the entire situation would have been changed. He then
614 stated that it is not appropriate to average the bids because the committee looked at the best and lowest
615 bid to complete the services. He then addressed Mr. Chandler and stated that he mentioned there have
616 been discussions in the past regarding amending the City's severance policy and he would not be in favor
617 of changing the policy before eliminating the employment positions because it would not be the right
618 thing to do, but when the issue was first brought to the Council in the budget retreat Mr. Chandler called
619 the policy ridiculous and recommended taking a look at it. He stated that he and Council Member Stoker
620 did have an advantage in being on the committee and having the opportunity to look at everything a little
621 more closely and if the rest of the Council would like additional time to review it he is comfortable with
622 that. He then stated that if the City is planning to keep the employees, at what point would it be
623 appropriate to consider amending the severance policy. Mr. Chandler stated that if the Council decides to
624 consider changing the severance policy he would recommend that they not do so until after they have
625 made a final decision regarding this outsourcing issue. He stated his intent was to bring some options to
626 the Council once the decision has been made.

627
628 Council Member Bailey stated he appreciates the work that has been done by the committee, but he did
629 not have the opportunity to participate and from his perspective it feels like the time was spent in the
630 committee trying to choose the best contractor and there was not time spent to determine if contracting
631 was even an appropriate option. He stated that his feeling is that the discussion that took place tonight
632 does not provide a level of completeness that he is comfortable with, but he agrees that the numbers that
633 he has seen tonight do not justify making a change at this time. He stated he would recommend adding
634 the issue to a future meeting for more discussion, but that does not seem to be the direction the rest of the
635 Council wants to move in. Council Member Bigler stated that if any member of the Council wants
636 additional time to discuss or review an important issue like this he would be supportive of that. Council
637 Member Bailey stated he is comfortable that the process of determining the best contractors has been duly
638 executed, but he is not comfortable that the process of completely analyzing whether outsourcing is even
639 appropriate has been completed. He stated there is no great urgency, but he would like for the Council to
640 revisit the issue again at some time in the near future. He stated he would like to review the benefits,
641 costs, and savings in a full hearing fashion; it would be good to invite the contractors that have been
642 selected to make a presentation as to why they feel the City should move in that direction. Council
643 Member Bigler suggested that Council Member Bailey meet with Mayor Harris and Mr. Chandler and
644 review the specific things he would like to discuss so that by the time the item is added to another Council
645 meeting it will be possible to address those specific issues.

646
647 Mayor Harris stated he thinks there is some urgency to the situation because the companies that have
648 submitted bids have schedules and they need to know what to expect in the coming months. He stated the
649 proposed start date for the contract has already been delayed and the companies need some answers. He
650 asked Mr. Hall and Mr. Parks to address the Council briefly and he would then like the Council to make a
651 motion.

652
653 Mr. Hall stated that he thinks the City's parks look beautiful and the employees have done an amazing job
654 for the City. He stated he has been in business for about 15 years and as an owner his purpose in starting
655 his business was not necessarily to make money; as a kid he would mow someone's lawn for \$5 because
656 he loved to make things look nice. He stated he has been doing parks maintenance for Sandy City for 12
657 years and he has also maintained parks for West Jordan, South Jordan, and Draper so there are a lot of
658 cities that still outsource this service and have great success with it. He stated there are cities that have
659 had bad experiences with companies as well. He stated there is a city that chose not to renew a contract

660 with him because of budget issues and they chose another company. He stated he would drive through
661 the city weekly and see how horrible the parks looked and it made him feel bad; he wants the parks to
662 look great and he takes it very seriously as do his employees, as much as an employee of the City would.
663 He stated his livelihood and the livelihood of his employees are also at stake; many of his employees have
664 been with him for 10 years or more and they have families of their own and they are proud of the work
665 they do. He stated the driving time is the least of his concern, but he is not offended if the City chooses
666 not to contract with him. He stated he is a businessman and he understands the process. He stated he
667 wishes the best to the City employees and he would love to have them working for him because they do a
668 great job taking care of the City parks. He stated he appreciates the Council considering this issue and he
669 wished them luck in making their decisions.

670
671 Mr. Parks thanked the City for the opportunity to bid on the services. He stated that he is a multi-purpose
672 company and he also provides other services like hanging Christmas lights, etc. and he would enjoy
673 opportunities to work with the City in the future; it may be possible to start small.
674

675 **Council Member Taylor moved that the Council not accept the bids for contract services and**
676 **continue to use City employees for the remainder of the current fiscal year and the next fiscal year**
677 **and schedule a general discussion regarding contracting and use the numbers as an example.**
678 **Council Member Stoker seconded the motion.**

679
680 Council Member Fawson stated he would really like to review the other options; he agrees that the
681 Council should not accept the contracts at this time, but he would like to have some discussion about how
682 to move forward. He stated he does not want to commit at this time to maintaining the current employee
683 situation. He stated from what he can tell the employees would be just as happy not being here as they
684 are being here.
685

686 Council Member Bigler asked Council Member Taylor if he would be willing to amend his motion; his
687 concern is to just make sure the companies and the employees know that that the City is not going to
688 execute the contract right now. He asked Council Member Taylor to meet the other Council Members
689 halfway.
690

691 Mayor Harris stated Council Member Bigler also has the option of making an amended motion.
692

693 **Council Member Taylor amended his motion; he moved the Council not accept the bids for**
694 **contract services at this point and that the Council schedule a future discussion regarding private**
695 **contracting opportunities and ways to approach the maintenance of City parks. Council Member**
696 **Stoker seconded the motion.**

697
698 Council Member Fawson thanked those that submitted bids and he thanked them for attending the
699 meeting this evening. He also thanked Mr. Chandler for his work on the issue.
700

701 **Voting on the motion:**

702
703 **Council Member Bailey** **aye**
704 **Council Member Fawson** **aye**
705 **Council Member Bigler** **aye**
706 **Council Member Stoker** **aye**
707 **Council Member Taylor** **aye**
708

709 **The motion passed unanimously.**
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5. **DISCUSSION AND/OR ACTION TO CONSIDER THE PURCHASE OF PROPERTY LOCATED AT APPROXIMATELY 130 EAST PLEASANT VIEW DRIVE.**

A memo from Mayor Harris explained North Ogden City is in the process of acquiring suitable property for construction of the proposed new Public Works Facility. A parcel at approximately 130 East Pleasant View Drive is being evaluated by the Public Works Facility Committee. The Committee met on May 8, 2013, and unanimously passed a motion to recommend the City Council purchase the property located at approximately 130 East Pleasant View Drive subject to the following conditions:

1. The seller agrees to pay a 50% share in the cost of delineating and mitigating possible wetlands;
2. The total cost of the wetlands delineation and mitigation, based on the best available cost estimate, is an acceptable amount to the City Council; and
3. The seller and the adjacent landowner enter into an agreement on how to handle all issues related to the well(s) on the subject property, and at no cost to the City.

The cost estimate for the delineation and mitigation of possible wetlands is being prepared and will be made available as soon as it's finished. The City Council will need to take action as to whether or not to proceed with the purchase of this parcel.

Mayor Harris asked Committee Chair Brent Chugg to provide a report to the Council regarding the Committee's recent discussion and action.

Mr. Chugg approached the Council and summarized the conditions of the purchase that were listed in Mayor Harris's memo. He noted the current property owners are present this evening to address any questions the Council may have. He then reviewed a PowerPoint presentation regarding the proposed land purchase noting the location of the property is 130 East Pleasant View Drive and the seller is Scott Holt. He explained the property contains 6.51 acres at a cost of \$84,000 per acre for a total of \$531,000; this cost is for the land only and does not include any preparations for construction. He noted the land is under contract until May 20, 2013 and after that date the City would forfeit \$12,000 in earnest money; there have been four contract extensions negotiated in order to allow the City to carry out its due diligence. He noted that at this time no additional contract extensions will be granted by Mr. Holt. He then explained approximately 0.8 acres of the parcel is identified as potential wetlands; the environmental consultants believe with time the area will dry and no longer be classified as wetlands. He noted some progress has been made by redirecting the water in the area and there is plenty of land upon which to locate the building without impacting potential wetlands. He added that should mitigation be required, the consultant is confident the City would be successful in receiving a permit for mitigation at a cost that would not exceed \$50,000; the seller would participate in these costs. He stated there are two wells on the property that are owned by the neighboring property owner and the seller would be responsible to convey the water to the neighbor's property; if this issue is not resolved by May 20, additional time would be granted.

Council Member Fawson referenced Mr. Chugg's comment that the \$50,000 wetland mitigation cost would be shared between the City and the seller. He noted that in the last correspondence he saw regarding the issue, that deal had not been finalized and he asked if that has changed. Mr. Chugg stated according to Mr. Chandler's memorandum that has been finalized. Council Member Fawson stated the memorandum does not specify that Mr. Holt has agreed to the terms; it simply says that is one of the terms the City is requesting. Mr. Holt agreed that he believes the wetlands issue will resolve itself; he has given the City permission to cut ditches on the property to reroute the water and the area that may have been considered wetlands is now considerably drier. He added the wetlands consultant has estimated the highest possible cost to mitigate the wetlands if necessary and he has agreed to share in that cost. He stated he is willing to deposit some money in escrow for that cost.

762 Karmen Sanone, neighboring property owner, approached the Council and clarified there actually three
763 wells on the property rather than the two mentioned in the Committee presentation. She stated she would
764 be willing to answer questions the Council may have about her property and the water issues.
765

766 Council Member Bigler asked what percentage of the wetland mitigation cost Mr. Holt would be willing
767 to pay. Mr. Holt stated he would be willing to pay 50 percent of the cost if necessary.
768

769 Council Member Taylor stated that he likes the fact that Mr. Holt has agreed to share in the cost of
770 wetland mitigation because both parties to the purchase agreement now have just as much incentive as the
771 other to keep any costs associated with the wetlands as low as possible. Mr. Holt agreed and stated that if
772 there are wetlands he is willing to participate in the cost of mitigating them.
773

774 Council Member Bailey asked if the request for a one year period to deal with the water issue will create
775 any problems for the City relative to the construction of the Public Works Facility. Mr. Chugg stated that
776 issue will need to be discussed, but he thinks a temporary solution can be put in place while the City is
777 working through preliminary construction issues. He stated that his experience with wetlands and soils
778 leads him to believe that it will be easy to dry the land, even if that requires the installation of a drain on
779 the property. He then continued to review his PowerPoint presentation noting the Committee has
780 reviewed several properties and Mr. Holt's property is the best possible choice; it is a convenient location
781 for conducting City maintenance, there is adequate land to handle City maintenance for now and into the
782 future, and it is located in an area that will not interfere with residential concerns that have been a
783 problem with other potential sites. He stated the property is a good investment for the City and will meet
784 the needs of the Public Works Department now and in the future; the issues associated with the land are
785 not significant and mitigation would not be expensive. He stated the Committee recommends that the
786 City Council approve the purchase of the Holt property.
787

788 Council Member Bigler stated the Committee's presentation references the fact that a professional has
789 provided the City with an opinion regarding the wetland issue and he asked Mr. Chugg to state the name
790 of the professional for the record so that residents know who it is. He stated he wants everything to be in
791 the open so the residents can understand the process; he does not want the public to hear second hand
792 information and he wants them to know exactly who the professionals are that have provided the City
793 with information and ensured that it is good to proceed with the purchase of the property and there will be
794 no problems associated with constructing the Public Works facility there. Council Member Bailey added
795 that the presentation made by Mr. Chugg this evening will become part of the public record so anyone
796 reviewing the minutes of this meeting will have access to that information. He stated he would echo
797 Council Member Bigler's request that the name of the professional be made public. Mr. Chugg stated the
798 name of the company is Frontier Corporation and the name of the professional is Dennis Wenger; he has a
799 very good reputation and is known by himself and another member of the Committee. Mayor Harris
800 added the City Engineer, Matt Hartivegsen, also knows Mr. Wenger. Council Member Taylor stated it
801 may be a good idea to include emails from the City Engineer and Dan Nixon, Committee member, to
802 show the public the due diligence the City has carried out through this process.
803

804 Council Member Bigler then stated he is supportive of the selection of this property and he has been from
805 the beginning of the process. He stated he thinks it provides a "blank sheet of paper" for the City to work
806 with in order to provide the best facility with the best design. He added it will not be necessary to work
807 around anything on the property and there is plenty of space there. He stated the money the City is going
808 to spend is justified; the Council has worked hard in the past to keep the Public Works Facility out of
809 residential neighborhoods and there is a cost associated with that. He stated the new facility is very close
810 to the current facility so there should not be much of a difference to the surrounding property owners; one
811 thing that is great about the property is that it is further to the west and it frees up the current site of the
812 public works facility. He stated that property can be sold in the future when the economy improves; the

813 property is zoned for commercial use and will serve in the efforts to build the commercial zone and
814 purposes of the City. He stated the property can be sold for a commercial price, which will more than pay
815 for the purchase of the Holt property as well as some of the costs of the new facility. He stated he thinks
816 this is a win-win situation and he thinks when residents hear that information they will be very happy
817 with it because the City has worked to keep the facility in a secluded area. He reiterated he is in favor of
818 the property purchase.

819

820 **Council Member Bigler moved to approve the purchase of property located at approximately 130**
821 **East Pleasant View Drive to be the home of the future public works facility. Council Member**
822 **Bailey seconded the motion.**

823

824 Council Member Taylor asked if it is appropriate to include the contingencies of the agreement in the
825 motion. Mayor Harris stated he felt that would be appropriate. Council Member Taylor suggested that
826 the motion be amended to include the three contract terms mentioned in Mr. Chandler's memo. Mayor
827 Harris stated those terms will become part of the contract to be negotiated.

828

829 **Council Member Bigler amended his motion; he moved to approve the purchase of property**
830 **located at approximately 130 East Pleasant View Drive with the terms mentioned in the**
831 **memorandum provided by City Manager Chandler. Council Member Bailey seconded the motion.**

832

833 Council Member Taylor then stated that he also thinks this is a great site for the future public works
834 facility and he thanked Mr. Chugg and Mr. Nixon for their work on the project. He also thanked the other
835 members of the Committee, as well as staff, residents, and the Council, that have provided great input
836 relative to the project. He stated that he thinks Ms. Sanone's request is very reasonable and he would like
837 for the City to give her a reasonable amount of time to relocate the wells on the property. He added he
838 also thinks the City should try to have discussions about excess water capacity on the site and whether the
839 City could gain access to it. He stated he does not know if that is possible, but he thinks it should be
840 examined. Mr. Chandler stated one thing to be aware of is that cities can have water not put into use, but
841 it is limited and based upon the projected population 40 years into the future; if the City has more water
842 than can be used by that projected date and associated population, the water can be lost. He stated the
843 City currently has the maximum amount of water it can hold based on population projections. Mayor
844 Harris stated the City is in the extremely enviable position of having as much water as is needed. Mr.
845 Chugg stated cities can bank water, but private individuals cannot.

846

847 Council Member Fawson asked when residents will have the opportunity to make comments regarding
848 the purchase. Mayor Harris stated there will be a public hearing this evening regarding the City's budget
849 and the money for this property purchase is included in the budget. He stated tonight is the time for
850 residents to make comments Council member Taylor asked if that item was noticed as a public hearing.
851 Mr. Chandler answered yes; it is the next item on the agenda.

852

853 Council Member Bigler stated a temporary solution for the water issues should be the responsibility of the
854 City and he asked if that should be included in the motion or the agreement. Mayor Harris stated that the
855 water will be removed from the City property at no expense to the City. He stated there are many
856 unknowns at this point in time and it may be possible for the City to arrive at a final solution for removing
857 the wells from the City and require Ms. Sanone to pay for that work by a set date. He stated the City has
858 many options. Council Member Bigler stated he wants to ensure that as soon as the City purchases the
859 property the work will commence to dry it out. Mr. Chugg stated it may be possible for the City to
860 finance the work to relocate the wells and work with Ms. Sanone to recoup those costs. Mayor Harris
861 stated the motion did not include any reference to a temporary solution relative to relocation of the water;
862 he feels the motion is adequate as it stands and he does not think it would be appropriate to include
863 detailed information in the motion because there are many ways the issue can be handled and he does not

864 want to tie the City's hands. He stated there are many options to handle the issue that would be no cost to
865 the City. Council Member Bigler stated he simply wanted to make sure that everyone understands that as
866 soon as the purchase is complete, the property will be owned by the City and the City can begin working
867 to dry the property out. Mayor Harris stated that is correct.

868
869 Ms. Sanone stated that she wants to point out that she cannot begin work to relocate the wells until the
870 City completes the plan for the project. Mayor Harris agreed and added the City will grant Ms. Sanone an
871 easement to complete the work to relocate the water and the terms of that easement are pending.

872
873 Council Member Bigler stated the motion on the table is to purchase the property subject to the terms
874 referenced by Mr. Chandler at no cost.

875
876 **Voting on the motion:**

877
878 **Council Member Bailey** **aye**
879 **Council Member Fawson** **aye**
880 **Council Member Bigler** **aye**
881 **Council Member Stoker** **aye**
882 **Council Member Taylor** **aye**

883
884 **The motion passed unanimously.**

885
886
887 The Council took a 10 minute recess at 9:00 p.m.

888
889 The meeting reconvened at 9:10 p.m.

890
891
892 **6. PUBLIC HEARING ON AMENDMENTS BEING CONSIDERED TO FISCAL YEAR**
893 **BUDGET 2012-2013**

894
895 Finance Director Steele explained that now may seem like a strange time for the Council to consider
896 budget amendments, but in a recent training he attended he was reminded it is appropriate to approve the
897 expenditures in a budget before funds are actually spent. He stated there are plans to expend funds in near
898 future and that is the reason this public hearing was scheduled. He stated some items in the budget will
899 be changed due to actions taken by the Council this evening and he began reviewing attachment A
900 included in the Council packet and noted items three, four, and five will be removed from the budget. He
901 stated item 1 is related to the Green Acres Project and the City received some Community Development
902 Block Grant (CDBG) funding for that effort. He noted the project has been completed and it is
903 appropriate to recognize the associated revenues and expenditures in the budget. He stated item 2 is
904 similar in nature in that it is a Police Department expenditure that was funded by grant monies. He stated
905 number six is the funding for the purchase of the Holt property that was just approved by the City
906 Council. He stated the total budget adjustment is \$644,193.

907
908 Council Member Taylor asked if the items are included in the historical budget documents for 2012-2013
909 that the Council will discuss shortly. Mr. Steele stated items 1 and 2 are included in those documents, but
910 item 6 is not. Council Member Taylor asked if they were included as actual expenditures. Mr. Steele
911 answered yes.

912
913 Mayor Harris then opened the public hearing at 9:13 p.m.

915 There being no persons appearing to be heard, **Council Member Fawson moved to close the public**
916 **hearing. Council Member Bigler seconded the motion.**

917
918 **Voting on the motion:**

919
920 **Council Member Bailey aye**
921 **Council Member Fawson aye**
922 **Council Member Bigler aye**
923 **Council Member Stoker aye**
924 **Council Member Taylor aye**

925
926 **The motion passed unanimously.**

927
928 The public hearing was closed at 9:14 p.m.

929
930
931 **7. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING**
932 **FISCAL YEAR BUDGET 2012-2013**

933
934 **Council Member Taylor moved to adopt Ordinance 2013-5 amending the Fiscal Year 2012-2013**
935 **Budget. Council Member Stoker seconded the motion.**

936
937 **Voting on the motion:**

938
939 **Council Member Bailey aye**
940 **Council Member Fawson aye**
941 **Council Member Bigler aye**
942 **Council Member Stoker aye**
943 **Council Member Taylor aye**

944
945 **The motion passed unanimously.**

946
947
948 **8. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION ADOPTING THE**
949 **TENTATIVE BUDGET FOR FISCAL YEAR 2013-2014**

950
951 Mr. Steele explained the Council is being asked to consider a resolution that would adopt the tentative
952 budget for the Fiscal Year 2013-2014. He stated the resolution also sets a date for a public hearing
953 regarding the tentative budget for May 28 and a date for a public hearing for adoption of the final budget
954 for June 11. He stated he would briefly review the budget message for the tentative budget; the budget
955 represents many hours of work put in by the Mayor, Council, and staff and he feels it is a good budget;
956 the general fund is balanced and there is no proposed property tax increase. He noted revenues in the
957 general fund have increased by approximately 3 percent, which is supported by increases in sales tax
958 revenue, building related revenue, and increases in administrative fees charged to enterprise funds. He
959 stated that in conducting research regarding administrative fees he found the last time they were analyzed
960 was in the 2005-2006 fiscal year. He stated the fund balance in the general fund is slightly different than
961 in the document presented. Mr. Chandler stated that is because of decisions the Council has made
962 tonight; the entire section of the budget related to the Parks Division of the City will change and it will be
963 necessary to formalize those changes in the budget document prior to consideration of final adoption. Mr.
964 Steele stated that with those changes the fund balance will be \$831,553, which is 14 percent of the general
965 fund revenue. He stated that following the last budget meeting when the enterprise funds were discussed

966 he took the Mayor's advice and reviewed the analysis that was completed by the financial consulting firm
967 in 2010-2011; they projected five or six years into the future to determine what the rates should be each
968 year in order to fund depreciation and complete capital projects. He stated the rates that he is proposing
969 in the tentative budget were pulled from that study and the increase totals \$3.33 assuming consumption of
970 6,000 gallons of water, use of one garbage can, and use of one recycling can. He stated the increase
971 breaks down as follows: \$.49 for water, \$1.77 for sewer, and \$1.07 for storm water. He stated that the
972 study also suggested a \$2.33 rate increase for solid waste, but he found a net income in the solid waste
973 fund this year and he did not think that increase was necessary. He stated the rates are meant to offset
974 rising expenses, which are mainly due to the motor pool funding increase, administrative fees charged by
975 the general fund, and an increase in charges to the sewer fund by the Central Weber Sewer District. He
976 added the study also recommended increases in succeeding years of one to four percent and that will be
977 discussed among the Council and staff at a future date.

978
979 Mayor Harris stated he thinks it is important to understand what the utility rates do. He stated that
980 besides taking care of the things Mr. Steele talked about they also allow the City to maintain a cash
981 balance of 50 percent of the yearly operating funds and they take care of the capital improvements that are
982 needed. He stated the capital improvement projects benefit the residents and if those projects are delayed
983 it can become more costly to maintain infrastructure in the future.

984
985 Council Member Bailey asked if these rate increases fully cover depreciation costs. Mr. Steele answered
986 no and stated two-thirds of depreciation costs in the water and storm water funds would be funded, but
987 there are no depreciation costs covered in the sewer fund. He stated the depreciation costs for solid waste
988 are fully funded.

989
990 Mr. Steele then stated that Council Member Taylor asked that the fund balances for each enterprise fund
991 be included in the final budget document. He stated the fund balance for water is \$1,674,868; the fund
992 balance for sewer is \$1,547,000, the fund balance for storm water is \$1,700,000; and the fund balance for
993 solid waste is \$114,000. He stated he feels these balances are healthy and he will continue to examine
994 them as the budget process moves forward.

995
996 Council Member Taylor stated that when reviewing the enterprise fund information the data relative to
997 the sewer fund was the one that was most concerning to him; it is the one fund that will not have 50
998 percent of operating expenses covered. He stated that it looks like \$250,000 will be taken from the fund
999 reserves for operating expenses because there are no capital project expenses for the sewer fund this year.
1000 He stated this means the City is \$250,000 short of being able to operate the fund. He stated that is
1001 concerning to him and that concern is compounded by the fact that depreciation in that fund is not
1002 covered as well. He asked why staff is not recommending a larger rate increase to address those issues.
1003 Mr. Steele stated that he, the Mayor, and Mr. Chandler talked about proposing a larger increase and they
1004 felt that due to the economy people are struggling and the increase that the City would need would be too
1005 burdensome to the residents at this time. He stated that he has recommended an increase of \$1.77 for the
1006 sewer fund and an additional \$.43 would be needed.

1007
1008 Council Member Fawson asked what the additional \$.43 would cover. He asked if it would cover
1009 depreciation. Mr. Steele stated it would not cover depreciation, but it would allow the fund to break even
1010 and cover operating expenses. He stated that over the next couple of years it will be necessary to adjust
1011 all rates in order to keep the City's fund balance at the desired level.

1012
1013 Council Member Taylor understands the numbers, but the fact that the fund must borrow \$250,000 just to
1014 operate is very concerning to him. He noted that does not cover any capital projects. He stated if that
1015 same practice occurs over a two or three year time frame the fund will be depleted. He stated the reserve
1016 fund exists to complete capital projects and not to operate and pay the bills and the sewer fund itself

1017 should sustain itself for operations and depreciation. He stated it is very concerning if the City does not
1018 do something to address the imbalance.

1019
1020 Council Member Fawson stated he is still not clear about what the additional \$.43 increase would cover;
1021 he asked if it would partially cover depreciation. Mr. Steele answered no. Council Member Fawson
1022 asked what kind of increase would be needed to partially fund depreciation. Mr. Steele stated he could
1023 provide that information at future meetings. Council Member Fawson stated he agrees with Council
1024 Member Taylor and he would prefer to consider a slightly higher rate increase. He stated he understands
1025 no one likes increases, but he would rather be covering operational costs and part of the depreciation
1026 associated with the fund.

1027
1028 Council Member Bigler asked Mr. Steele if the sewer fund is the least of his concerns. He stated Mr.
1029 Steele recommended increases in the other funds, but no increase for the sewer fund. Mr. Steele stated
1030 the solid waste fund is the only fund that will not see an increase. He clarified the largest rate increase is
1031 for the sewer fund at \$1.77. Council Member Bigler asked if an additional \$.43 is needed. Mr. Steele
1032 stated that would allow the fund to break even. Council Member Bigler asked how Mr. Steele determined
1033 it was appropriate to stop at \$1.77. Mr. Steele stated that the \$1.77 increase was recommended in the
1034 study done by the consulting firm a couple of years ago. Council Member Bigler inquired as to the status
1035 of the other funds with the increases being proposed. Mr. Steele reiterated the water and storm water
1036 funds will have sufficient monies to cover 67 percent of depreciation. Council Member Bigler asked if it
1037 would be possible to reduce one of the other rate increases by \$.43 and reallocate that to the sewer rate in
1038 order to allow it to cover operations. He stated that he would rather look at prioritizing rather than simply
1039 raising all rates at the same time. He asked if another fund would still be healthy enough if its proposed
1040 rate increase were decreased by \$.43. Mr. Steele stated he will need to research that issue and get back to
1041 the Council.

1042
1043 Council Member Bailey stated he assumes it is possible to move forward with adopting the tentative
1044 budget and discuss these items in future meetings. Mayor Harris stated the Administration would like
1045 some direction in order to move forward with finalizing the budget. Council Member Bailey asked when
1046 the rates were last increased. Mr. Steele stated they were adjusted in February 2012. Mayor Harris stated
1047 he did not believe the increases were significant and the largest increase was to cover the Central Weber
1048 Sewer District rate increases for the construction of the new sewer plant. Council Member Bailey stated
1049 the other rates were adjusted as well.

1050
1051 Council Member Taylor stated that his recommendation would be to adjust the sewer rates to a level that
1052 would cover operations in the fund. He stated it may also be appropriate for the Administration to create
1053 another scenario that would cover some amount of depreciation, though it may not be possible to increase
1054 rates to a level that would cause the fund to be as healthy as some of the other funds. He stated he
1055 wonders how a \$.43 increase per household would add up to the necessary amount and he would
1056 appreciate some details on the rate increases as well as some different options. Council Member Bigler
1057 stated that a \$.43 increase would generate approximately \$2,500 per month. Mr. Steele stated the
1058 \$250,000 that is being borrowed from the fund balance includes some depreciation costs and with those
1059 removed, that is how he arrived at the \$.43 increase.

1060
1061 Council Member Fawson asked how soon the Council will have access to a copy of the updated tentative
1062 budget. Mr. Steele stated he can try to have it available to the Council by the end of this week.

1063
1064 Mr. Steele then reviewed additional items in his budget message. He stated there have been discussions
1065 about taking steps to fully fund the motor pool again in the future and this would be the first of a three
1066 year process to complete that task.

1067

1068 Council Member Taylor asked if the motor pool fund will be funded at a level needed going forward or at
1069 a level to replace the revenues that were not provided during the recession years. He asked what the
1070 analysis is based upon. Mr. Steele stated that the fund will be funded at its previous level and no ‘catch-
1071 up’ amount has been included in the analysis.
1072

1073 Mr. Steele then referenced future capital planning, which was discussed in the last budget retreat meeting.
1074 He stated Mr. Chandler suggested that this year be taken as a base year for revenues and any increase in
1075 successive years would be divided evenly among operating expenses and capital projects. He stated
1076 \$500,000 has been set aside for capital street projects; that is due to road conditions created by the harsh
1077 winter conditions this year. He then referenced the employee costs section of his budget message and
1078 reminded the Council that they discussed the report of the Employee Compensation Committee at the last
1079 retreat. He stated staff would like to conduct more analysis regarding the Committee report over the next
1080 six months and come back to the Council with a formal recommendation for opening the budget to
1081 address wages and benefits of City employees. He stated the budget message currently states the changes
1082 would not be made until the next fiscal year budget and that is not accurate. He stated he will clarify that
1083 in the amended document that will be provided to the Council.
1084

1085 Council Member Fawson stated he thought the Council approved a three percent increase for employees
1086 across the board. Mr. Steele stated that expense will occur in the current fiscal year budget and will be
1087 presented at the last Council meeting in June as part of the final budget amendments. Council Member
1088 Bigler clarified that is considered a one-time payment rather than an actual wage increase. Mr. Steele
1089 stated that is correct.
1090

1091 Mr. Steele then noted another item reflected in the budget is the transition to a high deductible health plan
1092 for employees. He stated open enrollment is not yet completed and he will not have final numbers based
1093 on participation levels until the night that the final budget is to be considered. He stated Administration
1094 estimates that 50 percent of the employees will move to the high deductible health plan while the other 50
1095 percent will stay on the traditional plan and that would generate a potential savings of \$34,000.
1096

1097 Council Member Fawson stated he thought that would be the worst case scenario and that more than 50
1098 percent of employees would likely move to the high deductible health plan. Mr. Chandler agreed and
1099 stated that the employees spent several hours reviewing the health plan options yesterday and the
1100 Administration will soon know how many employees will actually make the transition.
1101

1102 Council Member Bigler inquired as to the cost of the benefit package per employees. Mr. Chandler stated
1103 that will vary depending on the insurance plan an employee opts for. Council Member Bigler asked for
1104 current costs. Mr. Chandler stated the current cost for family coverage is approximately \$12,000 per year.
1105 He added the retirement contribution for non-public safety employees is 12 percent and the public safety
1106 retirement contribution is 31 percent. He stated that workman’s compensation contributions depend on
1107 different employment positions. Council Member Bigler stated there were discussions about benefits in
1108 budget retreat meetings and he thought there was mention of the total benefits package being close to
1109 \$30,000 and he asked if that is correct. Mr. Chandler stated that is hard to say and it is really dependent
1110 upon the employment position. He stated a traditional rule of thumb is that benefits are approximately 30
1111 to 35 percent of an employee’s salary, but depending on current salaries the benefits are somewhere in a
1112 range of 30 to 50 percent.
1113

1114 Council Member Bailey stated that he was reviewing the numbers during the discussion of privatization
1115 of park maintenance and the employee benefits were \$100,000 while the salaries were approximately
1116 \$200,000, so the benefit costs were more than 50 percent. Mr. Chandler stated that is accurate for those
1117 positions. Council Member Bigler stated that one benefit figure was \$29,000 and he wondered if that was
1118 for one employee or two. He stated that issue can be discussed at a future date.

1119
1120 Mr. Steele then stated there is one proposed new position in the budget; it is in the motor pool fund. He
1121 stated there is a long-term part time employee that will be retiring soon and the proposal is to replace that
1122 position with a full-time Mechanic 2 position with benefits. He stated the employee that will be retiring
1123 was a full-time employee until 2010 at which time the City bought out his retirement and re-hired him as
1124 a part-time employee; the employee is completely retiring and taking much knowledge and experience
1125 with him and the Administration is proposing to replace him with a full-time Mechanic. Council Member
1126 Bigler inquired as to the reasoning for that and noted that would make three full-time mechanics in the
1127 Public Works Department. Public Works Director Blanchard stated that the City had three full-time
1128 mechanics prior to the employee's retirement being bought out; at that time the plan was to bring the
1129 employee back as a part-time employee due to his knowledge and experience. He stated at the time that
1130 the buy-out happened there was an agreement made that when the employee fully retired from the City
1131 his position would be replaced by a full-time position. He stated that due to the inventory of the City he
1132 feels it is necessary to have three full-time mechanics in order to provide adequate maintenance. Council
1133 Member Bigler stated he is not sure he is ready to fund the position and he asked if approving the
1134 tentative budget will allow the Administration to move forward with that proposal. He stated he has
1135 looked at what other cities are doing and he is not sold on the idea that the City needs three full-time
1136 mechanics. He stated that would provide 120 hours a week working on vehicles for 52 weeks of the year.
1137 He stated that seems like a lot of mechanic work. Mr. Blanchard stated he can assure the Council that
1138 time is filled. Council Member Bigler stated that South Ogden has one full-time mechanic and another
1139 full-time public works employee that is also a mechanic that can work as a mechanic part of the time and
1140 work on other public works items when he is not needed as a mechanic. He stated he asked South Ogden
1141 if that system is working for them and they answered yes. He stated he thought that was interesting when
1142 comparing to the fact that North Ogden has two full-time mechanics and one part-time mechanic and the
1143 Administration is now asking for an additional full-time mechanic. Mayor Harris stated that it is
1144 necessary to consider the size of the fleets of the two cities. Mr. Blanchard stated he would like to
1145 conduct a comparison. Council Member Bigler stated he would like to move forward on the budget, but
1146 he would like additional time to consider this proposal before voting to hire a third full-time mechanic.
1147 Mr. Blanchard stated he would like to conduct a formal comparison of North Ogden and South Ogden
1148 cities. Council Member Bigler stated he would be interested to see what other cities are doing as well.
1149 Mr. Chandler stated that he has talked to some communities and some of them also contract out some of
1150 their fleet maintenance services. He stated he would like to consider a comparison and understand the
1151 size of the fleets in other cities as well. Mr. Blanchard also extended an invitation to the City Council to
1152 visit the Public Works Department and see what the mechanics are working on. He stated some vehicles
1153 were sent to Jiffy Lube in the past, but that was stopped because their work was not adequate. He
1154 provided a description of the maintenance the City mechanics provide in addition to simply changing the
1155 oil in a vehicle. Council Member Bigler stated he is simply saying he would like time to consider the
1156 proposal before voting on it. He stated he talked to another city in the Salt Lake area that has 40,000
1157 residents and they have two full-time mechanics. He stated he also asked the cities if they contract for oil
1158 changes or major services; South Ogden answered no and said they very rarely use contract services. He
1159 stated he thinks that is fairly normal. He stated the city with 40,000 residents said they are getting by, but
1160 would like to hire another part-time employee. He reiterated he would like to consider the item more
1161 before voting on it. Mayor Harris stated that the Council will have the opportunity to discuss the proposal
1162 at length. He then asked Mr. Blanchard if the City's mechanics help with other public works items. Mr.
1163 Blanchard answered yes.

1164
1165 Mr. Steele then reiterated the budget will be amended prior to the public hearing scheduled for May 28.
1166 Mr. Chandler agreed and stated that it may be appropriate to reference some of those changes in the
1167 motion to adopt the resolution for tentative budget. Council Member Bigler stated he would like the
1168 tentative budget to reflect the employment position as a part-time position rather than a full-time position.
1169 He stated the issue can be discussed further and changed back to a full-time position if that is what the

1170 Council decides. Mr. Chandler stated he would recommend leaving the position as it is listed in the
1171 budget and wait to instruct the staff on how to proceed after the public hearing. He stated that will also
1172 give staff time to assemble some data to consider relative to the position. Mayor Harris clarified the
1173 budget adoption process; he asked if the public hearing scheduled for May 28 is relative to the tentative or
1174 final budget. Mr. Chandler stated it is relative to the tentative budget. Mayor Harris noted the resolution
1175 references the final budget in the third whereas clause. He asked if the Council is required to hold a
1176 public hearing relative to the final budget. Mr. Steele stated the public hearing for the final budget is
1177 scheduled for June 11. Mayor Harris stated it will be difficult to hold a public hearing and approve the
1178 final budget on the same night. He stated the process allows for the Council to adopt the tentative budget
1179 and leave it open for changes that may be necessary after receiving any public comments on May 28; the
1180 changes will be incorporated into the final budget that is set to be adopted on June 11.

1181
1182 Council Member Bigler asked when the mechanic plans to retire from the City and if someone would be
1183 hired to replace him immediately. Mr. Blanchard answered the part-time mechanic will retire May 30,
1184 2013.

1185
1186 **Council Member Fawson moved to adopt Resolution 3-2013 adopting the tentative budget for fiscal**
1187 **year 2013-2014. Council Member Taylor seconded the motion.**

1188
1189 **Voting on the motion:**

1190
1191 **Council Member Bailey** aye
1192 **Council Member Fawson** aye
1193 **Council Member Bigler** aye
1194 **Council Member Stoker** aye
1195 **Council Member Taylor** aye

1196
1197 **The motion passed unanimously.**

1198
1199
1200 **10. DISCUSSION REGARDING CHERRY DAYS**

1201
1202 This item was postponed to a future, unspecified date.

1203
1204
1205 **11. CITY COUNCIL, MAYOR, AND STAFF COMMENTS.**

1206
1207 Council Member Bigler asked if the current Youth Council will continue to work through the summer
1208 before being replaced by new members in the fall. Mayor Harris answered no and stated recruitment of
1209 new members is currently underway and new officers will be elected at the next meeting so the new group
1210 is ready to work this summer. He noted Cherry Days is the biggest event they work on. Council Member
1211 Bigler then stated he wanted to report the City employees were kind enough to let him coach his son's
1212 baseball team and that is the reason he is underdressed this evening. He stated he will be dressed the
1213 same way for the next two Council meetings and it is not out of lack of respect. He stated he will come
1214 straight to Council meeting from the baseball game.

1215
1216 Council Member Fawson stated he wanted to make a couple of comments regarding Mr. Baguley's appeal
1217 that is scheduled for the next Council meeting. He stated he is not familiar with the appeal process, but he
1218 knows that the residents that are part of the situation have gone through a lot and every time the issue is
1219 raised it is very divisive for the neighborhood and comments are very personal with neighbors attacking
1220 the character of one another. He stated he has two requests; the first is that there be an announcement

1221 prior to receiving public comments regarding that specific topic listing the six criteria for the business
1222 owner so that Mr. Baguley's neighbors understand the criteria that he must meet in order to maintain his
1223 license. He stated those criteria do not include noise and smell. He stated that will help encourage
1224 residents to make comments specific to potential issues that conflict with the six criteria. He added he
1225 would also like to offer a friendly reminder to those speaking about the issue that it is important to be
1226 civil and not resort to public character attacks. He stated this is a business issue and the decision is to be
1227 made by the City and he would ask the residents to respect that decision. He added he would like to
1228 discuss the six criteria in depth and whether the renewal periods should continue. Mr. Chandler reported
1229 the purpose of the agenda item on May 28 is for the Council to decide if they actually want to hold a
1230 public hearing regarding the matter. He stated if the Council decides to hold a public hearing then anyone
1231 can come and make comments regarding the issue, but if the Council decides against holding a public
1232 hearing they are not required to allow anyone to speak. He added that prior to the appeal meeting staff
1233 will provide the Council with all pertinent paperwork related to the issue. Council Member Fawson
1234 clarified that the Council will not actually be holding an appeal on May 28 and that instead the Council
1235 will decide whether to hold a public hearing. Mr. Chandler stated that is correct.

1236
1237 Council Member Bigler stated he asked for the item to be added to the May 28 agenda specifically to
1238 allow the Council to consider voting on the annual review process for that type of business. Mr. Chandler
1239 stated that if the appeal letter received by the City puts in motion the appeal process and the Council must
1240 consider that. Council Member Bigler asked why the Council cannot deal with both issues at the same
1241 time; they are two separate issues. Mr. Chandler stated they are not two separate issues; the Planning
1242 Commission made a decision regarding Mr. Baguley's business and that decision is an appealable
1243 decision; once that decision was appealed, the appeal process defined in City ordinance began and the
1244 Council is not at liberty to change the provisions of the business license until the appeal is resolved.

1245
1246 Council Member Fawson asked if the Council decides against holding a public hearing if they would still
1247 be able to make a decision regarding the six criteria. Mr. Chandler stated the Council will be able to have
1248 a meeting and a discussion regarding the six criteria, but the decision the Council must make on May 28
1249 is whether to hold a public hearing for the appeal.

1250
1251 Council Member Bigler stated that the person filing the appeal is claiming they have violated the terms of
1252 their business license. Mr. Chandler stated the appeal is actually an appeal of the Planning Commission's
1253 decision. He stated he is quite certain that those that are opposed to Mr. Baguley's business will provide
1254 information to explain what provisions of his business license he has violated. Council Member Bigler
1255 stated that there is some documentation from the appellant regarding Mr. Baguley's business. Mr.
1256 Chandler stated that is correct and the City Council will be provided with that information. Council
1257 Member Bigler asked Mr. Chandler if he is saying the Council cannot consider making changes that
1258 would require the business to follow the same rules as other businesses. Mr. Chandler stated that decision
1259 should not be made on May 28, but it can be considered at a future date. He stated the decision for the
1260 Council to make on May 28 is whether or not to ratify the decision made by the Planning Commission.
1261 Council Member Bigler stated he wished he would have known that because he would have asked for the
1262 item to be on tonight's agenda because it should not take much time.

1263
1264 City Attorney Call stated no matter what the person that filed the appeal will have a right to present his
1265 appeal to the City Council. Council Member Bigler stated that this same situation occurred a few years
1266 ago when the same person appealed the decision of the Planning Commission and the Council, as the
1267 appeals board, was advised by the City Attorney to consider that they were not acting as the City Council
1268 and instead they were acting as the appeals board. He stated they were told not to express their personal
1269 opinions and feelings about the business. He stated the board should be strictly trying to determine
1270 whether the Planning Commission was correct in allowing the business in North Ogden. He stated that
1271 was very helpful advice. Mr. Call stated he would echo that same advice in this situation. Council

1272 Member Bigler stated that the Council should not be making a decision based on what people say when
1273 they speak during the public hearing; instead the Council should be deciding if the Planning Commission
1274 acted correctly when they said the business met the criteria for businesses in the City Code. Mr. Call
1275 stated that is correct.

1276
1277 Council Member Bailey asked if the Council can decide for or against a public hearing relative to the
1278 appeal. Mr. Chandler stated City ordinance states that the Council must make that decision.

1279
1280 Mayor Harris asked at which point the Council should take into consideration changing the conditions of
1281 the conditional use permit.

1282
1283 Council Member Bigler stated that during the last appeal the Council decided to hold the appeal and then
1284 came up with modifications that provided extra rules for the business without requiring that the issue be
1285 reconsidered by the Planning Commission. He stated he would prefer to do things the same as they had
1286 done in the past. Mr. Call stated he will conduct additional research into the issue. Mayor Harris stated
1287 the Council should consider they are acting as the judge in this case and they should be looking at it with
1288 fresh eyes. Council Member Bigler asked that the staff and Council act as quickly as possible on the
1289 appeal for the benefit of the neighborhood. Council Member Fawson stated he would also prefer to
1290 expedite the process in any way possible. He added that he knows the issue will be heated on May 28 and
1291 providing residents with direction about staying calm would be very helpful. Mayor Harris stated that he
1292 will try to do that, but he noted there will be one party that will not be satisfied. Council Member Fawson
1293 stated that when the Council makes the decision about the appeal the residents will be informed officially
1294 of the decision and he thinks the information should be shared with the residents in a formal way.

1295
1296 Council Member Fawson then stated that he has heard complaints about residents' ability to send emails
1297 through the City's website. Mr. Chandler stated he will follow up on the issue.

1298
1299 Mr. Chandler stated the City was recently approached by a couple of men that make films for Facebook;
1300 they have been hired by Ford to travel the country and make video clips and one of the things they have
1301 been interested in filming is a slip-and-slide. He stated they have asked to film a slip-and-slide event on
1302 May 27 at Lomond View Park. He stated the City has approved the request. He noted the interesting part
1303 is that the event is not a water event and, instead, the slip-and-slide will be covered with chocolate syrup.
1304 He stated the event is being advertised on Facebook. Council Member Bigler asked if anyone is welcome
1305 to participate. Mr. Chandler answered yes and noted the film will be turned over to Ford who may choose
1306 to use it as part of their advertising campaign. Council Member Bigler asked for details about the event.
1307 Mr. Chandler stated he will send that information to the Council.

1308
1309
1310 **12. ADJOURNMENT.**

1311
1312 **Council Member Stoker moved to adjourn the meeting. Council Member Bailey seconded the**
1313 **motion.**

1314
1315 **Voting on the motion:**

1316
1317 **Council Member Bailey aye**
1318 **Council Member Fawson aye**
1319 **Council Member Stoker aye**
1320 **Council Member Taylor aye**

1321
1322 **The motion passed unanimously.**

1323
1324
1325 **The meeting adjourned at 10:14pm.**
1326
1327
1328 _____
1329 Richard G. Harris, Mayor
1330
1331
1332 _____
1333 S. Annette Spendlove, MMC
1334 City Recorder
1335
1336 _____
1337 Date Approved

NOT APPROVED